



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2407366  
**Applicant Name:** Gregg Kappers for Prescott Homes  
**Address of Proposal:** 746 Boylston Ave E

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one development site (of two parcels) into eight unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses was reviewed under Project #2304492.

The following approvals are required:

**Short Subdivision** - to subdivide two existing parcels into eight lots as a unit subdivision.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt\*\* ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

\*\*DPD Note: SEPA review has been done under MUP No. 2304492

**BACKGROUND DATA**

**Site & Area Description**

The subject property is located on the east side of Boylston Ave. E. between E. Aloha St. and E. Roy St. in the North Capitol Hill neighborhood. The site is approximately 11,000 sq. ft. with 115 feet of street frontage along Boylston Ave E. and is currently being developed with eight townhouse units. The property slopes upward from the street lot line approximately 14 feet in the first 20 feet and is classified as a steep slope critical area (>40% slope). It continues to slope approximately 8 feet in the remaining 95 feet. A limited steep slope exemption was granted in November of 2003 under (2307893).

The site, along with the entire block, is zoned Lowrise 3 (L-3). Development of the surrounding properties is predominately a mix of small to medium multifamily apartment buildings and single family homes which have been converted to administration buildings for Cornish College of the Arts. A limited number of single family residences still remain.

### Proposal Description

The proposal is to subdivide a single development site (parent lot) of two (2) parcels into eight (8) unit lots with vehicle access provided from Boylston Ave. E. A driveway will run along the north side of the lot providing access to the two rear structures and the northerly building facing Boylston Ave. E. The southerly building facing Boylston Ave. E. will receive access from a separate driveway. The proposed unit lots range in size from 1,299 sq. ft. to 1,756 sq. ft. The subject of this analysis and decision is only the proposed division of land. The ECA steep slope development and landslide development standards apply to the project and site. Environmental analysis of the unit lot subdivision was completed as part of the project review of the townhouse proposal under project 2304492.

### Public Comments

The comment period for this proposal ended on November 3 2004. No comment letters were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC Section 23.24.040 no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L-3 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 800 square feet, is met for the development as a whole. The proposal either conforms to development standards in all other respects or, to the extent the existing structures are nonconforming to current standards, they are recognized as legally nonconforming. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The unit lots are provided vehicular access by way of two (2), ten (10) foot curbcuts along Boylston Ave. E. The northerly curbcut will provide access to the two rear structures and the northerly building facing Boylston Ave. E. The southerly building facing Boylston Ave. E. will receive access from a separate driveway. Two of the three existing curbcuts will be removed. Access is consistent with the requirements of the Code.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles without conditions.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required. The easement as described in Seattle City Light Memorandum dated December 9, 2004, and Exhibit "A" to City of Seattle Short Subdivision No. 2407366 – P.M. # 250429-1-015 shall be included on the final plat prior to recording.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of service is assured subject to standard conditions of utility extension.

**Water:** The Short Plat application has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 2004-1611 was issued on July 20, 2004

**Sanitary Sewer and Drainage:** A single side sewer connects the subject property to an 8-inch public combined sewer (PS) located in Boylston Av N. Storm water will also be discharged into the same combined sewer. Detention with controlled release was reviewed and approved under project 2404492. Utility easements should be provided on the final plat for the benefit of Unit Lots E – H.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Address signage shall be posted such that addresses for all units are visible from Boylston Ave. E. Therefore, the public

use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. The site is designated as an environmentally critical area as defined in SMC 25.09.240 due to steep slope along the westerly and northerly portions of the parent lot. Development of the townhouses has been approved under project 2304492, consistent with the Environmentally Critical Areas regulations.
6. The construction of the townhouse development was subject to the provision of SMC 23.45.015.C, which provides that existing trees must be preserved or new trees must be planted.
7. Section 23.24.045 of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments, residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

*The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The development as a whole was reviewed for conformance with applicable Land Use Code provisions under project 2304492. Access easements and joint use and maintenance agreements shall be executed for the parking areas, driveways, and pedestrian access. As conditioned above, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 3 zoning development standards such as setbacks, open space, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### *Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light Memorandum P.M. # 250429-1-015 (aka Exhibit A) on the final Short Subdivision.
4. Provide utility easements for the benefit of Unit Lots E – H.
5. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
6. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
7. Provide a covenant and/or an easement to allow for posting of unit lot addresses visible from Boylston Ave. E. and to ensure that the address signage is maintained.

Signature: (signature on file) Date: March 21, 2005  
Cheryl P. Mosteller, Land Use Planner

Department of Planning and Development

CPM:rgc

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